

REMARKS

After entry of the present amendments, Claims 1-47 will be pending in the application. Claim 1 has been amended to correct typographical errors. Claim 41 has been amended to remove the limitation that the delipidated fraction contains apolipoproteins. Support for this amendment can be found at in the specification at col. 4, lines 15-26. No new matter has been added.

The Examiner has stated that the declaration is defective. The Examiner argues that the supposed error relied upon to support the reissue application is not an error upon which a reissue can be based. In the declaration, Applicants stated that Claims 1 and 19 were too narrowly drawn to comprise "the delipidated fraction is recombined with the blood cells and returned to the subject", but both claims still recite the limitation. Applicants believe that Claims 1 and 19 were too narrowly drawn because they recite that the delipidated fraction is recombined with the blood cells and returned to the subject. Applicants respectfully call the Examiner's attention to the new claims added (Claims 22-47) with the filing of the reissue application on June 12, 2001. These claims are broader and address the error on which the reissue is based. Thus, although Claims 1 and 19 have not been amended, broader claims have been added that properly support the basis for the reissue.

The Examiner has rejected Claims 1-21 as being based upon a defective reissue declaration under 35 U.S.C. § 251. Applicants respectfully submit that, based on the above remarks, the reissue oath/declaration filed with this application is not defective. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

The Examiner also noted that sheets of newly presented Claims 22-47 were submitted, but states that they were not referred to in the papers sent with the application or the reissue application. The reissue application filed on June 12, 2001 included new claims 22-47. Although not directly referred to, the newly added claims were in compliance with 37 C.F.R. 1.173(b). The amendment made was by physically incorporating the changes into the specification as filed. Because the claims were new, markings (*i.e.*, underlining) pursuant to 37 C.F.R. 1.173(d) was used. Furthermore, the fee transmittal sheet indicates that Applicants paid for 47 total claims. The reissue declaration indicates that the inventors reviewed and understood the contents of the specification, including the claims, that was filed on June 12, 2001. Thus, the reissue declaration refers to the reissue application, as evidenced by Applicants' filing and its fee transmittal sheet, included Claims 22-47.

The Examiner also states that the newly presented claims were not in compliance with 37 C.F.R. 1.173(c). An explanation of the support in the disclosure of the patent for the subject matter of the claims is included herewith in compliance with 37 C.F.R. 1.173(c).

Support for the newly presented claims can be found at the column and line numbers of the original patent, as described in the chart below:

New Claims	Original Claims and/or Column:Line(s)
22	Claim 1; 4:54-67; 5:3-11; 8:33-52
23	Claim 2; 5:7-11
24	5:7-13
25	Claim 4; 5:7-11
26	Claim 5; 4:58-59
27	Claim 6; 4:60-62
28	Claim 7; 4:64-67
29	Claim 8; 5:3-6
30	6:26-30

31	6:26-30
32	4:11-14; 7:40-43
33	Claim 11; 6:26-30
34	Claim 12; 8:15-16; 8:31-32
35	Claim 13; 8:12-14
36	Claim 14; 2:52-55
37	Claim 15; 8:26-30
38	Claim 16; 7:40-43; 8:31-32
39	Claim 17; 7:40-43; 8:12-14
40	Claim 18; 2:52-55; 7:40-43
41	4:15-26; 5:22-34; 8:33-35
42	5:34-37
43	5:34-37
44	5:24-27
45	5:34-37
46	5:27-29
47	7:60-61

Applicants respectfully request that Claims 22-47 be entered.

Applicants acknowledge that the original patent, or a statement as to loss or inaccessibility of the original patent, must be received before the reissue application can be allowed. Applicants herein provide the original patent and certificate of correction in compliance with 37 C.F.R. 1.178.

The Examiner has stated that the preliminary amendment filed on June 12, 2001 does not comply with Rule 1.173(b)(2) and (d) in that the changes relative to the parent are not shown by the appropriate markings. Applicants respectfully submit that a new amendment in compliance with 37 C.F.R. 1.173(b)(2) and (d) is included with this response. The changes made correct typographical errors only. No new matter has been added.

CONCLUSION

In light of the amendment and the above remarks, Applicants are of the opinion that the Office Action has been completely responded to and that the application is now in condition for allowance. Such action is respectfully requested.

If the Examiner believes any informalities remain in the application that may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview a telephone call to the undersigned attorney at (404) 815-6409 is respectfully solicited.

Respectfully submitted,


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